

REMARKS

Claim 26 was withdrawn from further consideration for being dependent upon withdrawn claim 24. Claims 22 and 23 were rejoined to species I. Claims 21 to 23 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. Claims 20 to 23 and 25 to 35 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 20 to 23, 25, 27 and 30 to 35 were rejected under 35 U.S.C. § 102(b) as being anticipated by Turnquist et al. (US 6,105,967). Claims 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Turnquist et al. in view of Beichl et al. (US 2004/0188943). Claim 26 contained a typographical error, which has been corrected.

Reconsideration of the application based on the following is respectfully requested

Rejections under 35 U.S.C. § 112, first paragraph

Claims 21 to 23 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement because the terms “closed-type” and “open-type” brush seal were found to be not enabled in the specification.

A closed-type brush seal is one in a closed ring shape, which thus needs to be inserted axially and secured with a separate fastening ring as described in [0031].

If the fastening ring is integral though, a closed ring brush seal cannot be inserted axially, and thus an open-type brush seal having a split or opening in the ring shape is used, as described in [0032]. The split or opening is used to snap the brush seal over the housing 10, the fastening ring then preventing axial movement.

It is respectfully submitted that a fair reading of the specification clearly enables this distinction: that a closed-type brush seal is closed circumferentially, and open-type brush seal has at least one circumferential opening or split to permit it to snap over something.

Withdrawal of the rejections under 35 U.S.C. §112, first paragraph thus is respectfully requested.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 20 to 23 and 25 to 35 were rejected under 35 U.S.C. § 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Examiner, it is unclear what is being claimed with the term "axially symmetrical components".

As per the abstract, this merely means that the components are rotationally symmetrical, or symmetrical about the axis. Claim 20 has been amended to avoid any confusion and define axially symmetrical as symmetric about an axis.

Withdrawal of the rejections under 35 U.S.C. § 112, second paragraph thus is respectfully requested.

Rejection under 35 U.S.C. § 102(b)

Claims 20 to 23, 25, 27 and 30 to 35 were rejected under 35 U.S.C. § 102(b) as being anticipated by Turnquist et al. (US 6,105,967).

Claim 20 recites a piston-ring seal. A piston-ring seal is an adjustable split metal ring seal. The diameter is thus flexible. See [0039] and, for example, Answers.com: "piston ring *n*. An adjustable split metal ring that fits around a piston and seals the gap between the piston and the cylinder wall."

Turnquist does not show a piston-ring seal. The backing plate 38 is fully annular and then cut into segments. See col. 4, lines 51 to col. 5, line 2. It is not adjustable and does not have a flexible diameter.

Moreover, Turnquist would not want a piston-ring seal as it segments its backing plate 38, as well as its seal ring 14 (See Col. 1, lines 65 et seq.).

Withdrawal of the rejections under 35 U.S.C. § 102(b) thus is respectfully requested.

Claim 26 had a typographical error which has been corrected.

Rejection under 35 U.S.C. § 103(a)

Claims 28 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Turnquist et al. in view of Beichl et al. (US 2004/0188943).

In view of the above, withdrawal of the rejections under 35 U.S.C. § 103(a) thus is respectfully requested.

New Claim

Claim 36 finds support at [0037], as is not shown in Turnquist.

Reply to Office Action of May 30, 2007

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,

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